THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.15148 of 2007

DATED: 17.07.2007

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Between:

K.Bhuvaneswara Rao

.. Petitioner

And

The District Collector (Land Acquisition),
Anantapur District, Anantapur
and others.

.. Respondents

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.15148 of 2007

ORDER:

In this writ petition, the petitioner seeks a writ of Mandamus declaring the action of the respondents in taking steps for marking in his lands for the purpose of digging a canal under the Scheme called Handri Niva Sujala Sravanthi without following the due process of law, as illegal and arbitrary.

In the affidavit filed in support of the writ petition, it is stated that the petitioner along with his brother own agricultural lands covered in Sy.No.46, 103, 136-2 and 649 of Puttaparthi Revenue village, Anantapur District and that he is looking after his brother's lands also. It is the grievance of the petitioner that neither he gave any consent to part with any portion of his lands, nor any notification was issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the L.A.Act') with regard to the lands in question, but however, in spite of the same, the respondents are illegally interfering with the same and taking steps for his dispossession.

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition.

On the other hand, it is submitted by the learned Government Pleader appearing for the respondents that the respondents are not

interfering either with the possession of the land of the petitioner or that of his brother, but only preliminary survey is being taken up by the respondents to ascertain the required land for the purpose of digging the said canal.

In that view of the matter and also having regard to the fact that no notification is issued under Section 4(1) of the L.A.Act in respect of the lands in question, the respondents shall not dispossess the petitioner from his lands without due process of law. However, it is made clear that this will not preclude the respondents to take steps for acquisition of the required portion for any public purpose in accordance with the provisions of the L.A. Act and take steps accordingly.

With the above directions, the writ petition is disposed of. No order as to costs.

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(R.SUBHASH REDDY,J)

Dt.17.07.2007
Note: Furnish CC in three days
B/o
v v